

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 295

AN ACT to amend the Indiana Code concerning military and veterans and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 6-8.1-9-4, AS AMENDED BY P.L.288-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Every individual (other than a nonresident) who files an individual income tax return and who is entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on the individual's annual state income tax return that either a specific amount or all of the refund to which the individual is entitled shall be paid over to one (1) or more of the funds described in subsection (c). If the refund to which the individual is entitled is less than the total amount designated to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which the individual is entitled shall be paid over to the designated funds, but in an amount or amounts reduced proportionately for each designated fund. If an individual designates all of the refund to which the individual is entitled to be paid over to one (1) or more of the funds described in subsection (c) without designating specific amounts, the refund to which the individual is entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

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(b) Every husband and wife (other than nonresidents) who file a joint income tax return and who are entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on their annual state income tax return that either a specific amount or all of the refund to which they are entitled shall be paid over to one (1) or more of the funds described in subsection (c). If the refund to which a husband and wife are entitled is less than the total amount designated to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which the husband and wife are entitled shall be paid over to the designated funds, but in an amount or amounts reduced proportionately for each designated fund. If a husband and wife designate all of the refund to which the husband and wife are entitled to be paid over to one (1) or more of the funds described in subsection (c) without designating specific amounts, the refund to which the husband and wife are entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

(c) Designations under subsection (a) or (b) may be directed only to the following funds:

- (1) The nongame fund.
- (2) The state general fund for exclusive use in funding public education for kindergarten through grade 12.

(3) The military family relief fund.

(d) The instructions for the preparation of individual income tax returns shall contain a description of the purposes of the following:

- (1) The nongame and endangered species program. The description of this program shall be written in cooperation with the department of natural resources.
- (2) The funding of public education for kindergarten through grade 12. The description of this purpose shall be written in cooperation with the state superintendent of public instruction.

(3) The funding for financial assistance to qualified service members (as defined in IC 10-17-12-7.5) and their families. The description of this purpose shall be written in cooperation with the Indiana department of veterans' affairs.

(e) The department shall interpret a designation on a return under subsection (a) or (b) that is illegible or otherwise not reasonably discernible to the department as if the designation had not been made.

SECTION 2. IC 10-16-7-23, AS AMENDED BY SEA 362-2016,



SECTION 1, AND AS AMENDED BY HEA 1373-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) As used in this section, "active duty" means:

- (1) training or duty under federal law;
- (2) state active duty under an order of a governor of another state as provided by law; or
- (3) state active duty under section 7 of this chapter;

performed under an order of the governor.

(b) The rights, benefits, and protections of the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., apply to a member of:

- (1) the Indiana National Guard; or
- (2) the National Guard of another state;

ordered to active duty for at least thirty (30) consecutive days.

(c) With respect to a member or reserve member of:

- (1) the Indiana National Guard; or
- (2) the National Guard of another state;

ordered to state active duty, a person is not subject to remedies and penalties under this section or IC 10-16-20 for failure to comply with the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., unless the member or member's dependent provides documentation to the person that the person is a member or reserve member of ~~(1)~~ the Indiana National Guard or ~~(2)~~ the National Guard of another state, ordered to state active duty for at least thirty (30) consecutive days.

(d) The rights, benefits, and protections of the federal Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq., as amended and in effect on January 1, 2003, apply to a member of:

- (1) the Indiana National Guard; or
- (2) the National Guard of another state;

ordered to active duty.

(e) Nothing in this section shall be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the Indiana National Guard; or
- (2) the National Guard of another state;

under federal law.

SECTION 3. IC 10-16-20-2, AS AMENDED BY SEA 362-2016, SECTION 2, AND AS AMENDED BY HEA 1373-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The following definitions apply throughout this chapter:



- (1) "Military service" means:
- (A) in the case of a servicemember who is a member or reserve member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, full-time duty in the active military service of the United States, including:
 - (i) full-time training duty;
 - (ii) annual training duty; and
 - (iii) attendance while at a school designated as a service school by federal law or by the secretary of the military department concerned;
 - (B) in the case of a member or reserve member of the Indiana National Guard, service under a call to active:
 - (i) service authorized by the President of the United States or the Secretary of Defense for a period of more than thirty (30) days in response to a national emergency declared by the President of the United States; or
 - (ii) duty as defined by IC 10-16-7-23(a) for a period of more than thirty (30) consecutive days;
 - (C) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service;
 - (D) in the case of a member or reserve member of the national guard of another state, service under an order by the governor of that state to active duty for ~~at least~~ *a period of more than* thirty (30) consecutive days; or
 - (E) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.
- (2) "Servicemember" means an individual engaged in military service.

SECTION 4. IC 10-17-1-4, AS AMENDED BY P.L.169-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The commission shall do acts necessary or reasonably incident to the fulfillment of the purposes of this chapter, including the following:

- (1) Adopt rules under IC 4-22-2 to administer this chapter.
- (2) Advise the veterans' state service officer in problems concerning the welfare of veterans.
- (3) Determine general administrative policies within the department.
- (4) Establish standards for certification of county and city service officers.



(5) Establish and administer a written examination for renewal of the certification of county and city service officers.

(6) Submit, not later than December 31 of each year, an annual report to the legislative council in an electronic format under IC 5-14-6 and to the governor concerning the welfare of veterans.

SECTION 5. IC 10-17-1-10, AS AMENDED BY P.L.169-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Within thirty (30) days of their appointment, new county, or city service officers must attend a new service officer orientation presented by the Indiana department of veterans' affairs and, according to the standards established under section 4(4) of this chapter, become certified to assist veterans and their dependents and survivors. The curriculum for the new service officer orientation presented under this subsection shall be determined by the director.

(b) Within one (1) year of appointment, new service officers must attend a course presented by a national organization and become accredited to represent veterans.

(c) An individual employed as a county, or city service officer under this chapter ~~on July 1, 2013,~~ is required to become accredited **by a national veterans service organization through the United States Department of Veterans Affairs Office of General Counsel** not later than ~~July 1, 2015,~~ **one (1) year from the date of individual's employment, in order** to represent veterans.

(d) Annually, all county, or city service officers shall undergo a course of training to adequately address problems of discharged veterans in the service officer's county, or city, including a thorough familiarization with laws, rules, and regulations of the federal government and the state that affect benefits to which the veterans and dependents of the veterans are entitled. After a service officer has undergone this sustainment training and successfully passed a written test, the service officer shall be recertified by the director to assist veterans for the following year.

SECTION 6. IC 10-17-12-0.7, AS AMENDED BY P.L.169-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.7. ~~(a)~~ The purpose of the fund established in section 8 of this chapter is to provide:

~~(1)~~ short term financial assistance, **including emergency one (1) time grants**, to families of qualified service members for hardships that result from the qualified service members' **active duty military** service. ~~and~~



(2) funding for:

(A) grants for reimbursement for training; and

(B) the purchase of computer equipment and software;
for county and city veterans' service officers:

(b) Funding for the purposes described in subsection (a)(2) must be provided from the amount transferred to the fund under section 13 of this chapter.

SECTION 7. IC 10-17-12-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1. As used in this chapter, "active duty" means full-time service in the:

(1) armed forces; or

(2) National Guard;

for a period that exceeds thirty (30) consecutive days:

SECTION 8. IC 10-17-12-7.5, AS ADDED BY P.L.50-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. As used in this chapter, "qualified service member" means an individual who is **an Indiana resident and who:**

(1) an Indiana resident;

(2) a member of:

(A) the armed forces; or

(B) the National Guard; and

(3) serving on active duty:

(A) after September 11, 2001; and

(B) during a time of national conflict or war:

(1) is:

(A) a member of the armed forces of the United States or the national guard (as defined in IC 5-9-4-4); and

(B) serving on or has served on active duty during a time of national conflict or war; or

(2) has:

(A) served on active duty during a time of national conflict or war in:

(i) the armed forces of the United States; or

(ii) the national guard (as defined in IC 5-9-4-4); and

(B) received an honorable discharge.

SECTION 9. IC 10-17-12-8, AS AMENDED BY P.L.7-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The military family relief fund is established to provide **short term** assistance with food, housing, utilities, medical services, basic transportation, child care, education, employment or workforce, and other essential family support expenses that have become difficult to afford for qualified service members or dependents



of qualified service members. ~~The fund may also be used to provide for grants for reimbursement for training and for computer equipment and software for county and city veterans' service officers.~~

(b) Except as provided in section 9 of this chapter, the commission shall expend the money in the fund exclusively to provide grants for assistance as described in subsection (a).

(c) The commission shall give priority to applications for grants for assistance from the fund to qualified service members or dependents of qualified service members who have never received a grant under this chapter.

(d) Subject to the approval of the budget agency, the commission shall establish the maximum total dollar amount of grants that may be expended in a state fiscal year. Once the maximum total dollar amount of grants that may be expended in a state fiscal year is reached, no additional grants may be authorized until the start of the following state fiscal year.

(e) The director shall each year provide a report to the budget committee concerning the grant program under this chapter.

(f) A qualified service member or the qualified service member's dependent may be eligible to receive assistance from the fund.

(g) The commission shall administer the fund.

SECTION 10. IC 10-17-12-10, AS AMENDED BY P.L.113-2010, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. **(a)** The commission ~~may~~ **shall** adopt rules under IC 4-22-2 for the provision of grants under this chapter. **Subject to subsection (b),** the rules adopted under this section must address the following:

- (1) Uniform need determination procedures.
- (2) Eligibility criteria, **including income eligibility standards, asset limit eligibility standards, and other standards concerning when assistance may be provided.**
- (3) Application procedures.
- (4) Selection procedures.
- (5) ~~Coordination with~~ **A consideration of the extent to which an individual has used assistance available from other assistance programs before assistance may be provided to the individual from the fund.**
- (6) Other areas in which the department determines that rules are necessary to ensure the uniform administration of the grant program under this chapter.

(b) The following apply to grants awarded under this chapter:

- (1) An applicant is not eligible for a grant from the fund if:**



(A) the qualified service member with respect to whom the application is based has been discharged; and

(B) the qualified service member's term of qualifying military service was less than twelve (12) months.

(2) The income eligibility standards must be based on the federal gross income of the qualified service member and the qualified service member's spouse.

SECTION 11. IC 10-17-12-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13: (a) The commission shall transfer one hundred eighty thousand dollars (\$180,000) from the veterans' affairs trust fund established by IC 10-17-13-3 to the fund:

(b) There is appropriated to the commission one hundred eighty thousand dollars (\$180,000) from the fund for:

(1) grants for training county and city veterans' service officers under IC 10-17-1-10; and

(2) the purchase of computer equipment and software to be used by the city and county veterans' service officers:

(c) A county or city veterans' service officer may receive a grant for reimbursement for training expenses associated with service officer training, including travel and incidental expenses of eligible county and city veterans' service officers seeking initial or renewal service officer accreditation. A county or city veterans' service officer may receive a grant under this subsection in an amount not to exceed five hundred dollars (\$500) for reimbursement. The commission shall set standards for the reimbursement grants. A county or city veterans' service officer may apply to the commission for a reimbursement grant, and the commission may make a grant based on the commission's review of an application.

(d) A county or city that employs a veterans' service officer may receive a grant, in an amount not to exceed one thousand two hundred dollars (\$1,200), for reimbursement for computer equipment and software to enable the veterans' service officer to access national data bases for benefits for veterans. The commission shall set standards for the review of grants for the purchase of computer equipment and software under this subsection. A county or city may apply to the commission for a grant for reimbursement for the purchase of computer equipment and software, and the commission may make a grant based on the commission's review of an application.

SECTION 12. IC 10-17-13-3, AS AMENDED BY P.L.50-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The veterans' affairs trust fund is established as a trust fund to provide a self-sustaining funding source for the



military family relief fund established by IC 10-17-12-8.

(b) The fund consists of the following:

- (1) Appropriations by the general assembly.
- (2) Donations, gifts, grants, and bequests to the fund.
- (3) Interest and dividends on assets of the funds.
- (4) Money transferred to the fund from other funds.
- (5) Money from any other source deposited in the fund.

(c) The fund is considered a trust fund for purposes of IC 4-9.1-1-7.

SECTION 13. IC 10-17-13-5, AS AMENDED BY P.L.4-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The commission consists of the following members:

(1) ~~Seven (7)~~ **Six (6)** members appointed by the governor, **as provided in this subdivision.** The governor shall consider the following when making appointments under this subdivision:

- (A) Membership in a veterans association established under IC 10-18-6.
- (B) Service in the armed forces of the United States (as defined in IC 5-9-4-3) or the national guard (as defined in IC 5-9-4-4).
- (C) Experience in education, including higher education, vocational education, or adult education.
- (D) Experience in investment banking or finance.

The governor shall designate one (1) member appointed under this subdivision to serve as chairperson of the commission.

(2) One (1) county service officer appointed by the governor.

~~(2) (3)~~ The director of veterans' affairs appointed under IC 10-17-1-5 or the director's designee.

~~(3) (4)~~ The adjutant general of the military department of the state appointed under IC 10-16-2-6 or the adjutant general's designee.

~~(4) (5)~~ Four (4) members of the general assembly appointed as follows:

- (A) Two (2) members of the senate, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.
- (B) Two (2) members of the house of representatives, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

Members appointed under this subdivision are nonvoting, advisory members and must serve on a standing committee of the



senate or house of representatives that has subject matter jurisdiction over military and veterans affairs."

SECTION 14. IC 10-17-13-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. (a) Each year after July 1 and before August 1, the commission shall determine:**

- (1) the amount of money in the fund on July 1; and**
- (2) the amount of the expenditures from the military family relief fund during the immediately preceding state fiscal year.**

(b) After making the determinations under subsection (a), if the amount determined under subsection (a)(1) exceeds three hundred percent (300%) of the amount determined under subsection (a)(2), the commission shall transfer from the fund to the military family relief fund an amount equal to:

- (1) fifty percent (50%); multiplied by**
- (2) the difference of:**
 - (A) the amount determined under subsection (a)(1); minus**
 - (B) three hundred percent (300%) of the amount determined under subsection (a)(2).**

SECTION 15. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

(b) As used in this SECTION, "qualified service member" means an individual who:

- (1) is:**
 - (A) a member of the armed forces of the United States or the national guard (as defined in IC 5-9-4-4); and**
 - (B) serving on or has served on active duty during a time of national conflict or war; or**
- (2) has:**
 - (A) served on active duty during a time of national conflict or war in:**
 - (i) the armed forces of the United States; or**
 - (ii) the national guard (as defined in IC 5-9-4-4); and**
 - (B) received an honorable discharge.**

(c) As used in this SECTION, "study committee" means either of the following:

- (1) A statutory committee established under IC 2-5.**
- (2) An interim study committee.**

(d) The legislative council is urged to assign to the appropriate study committee during the 2016 legislative interim the topic of whether or not grants for assistance from the military family relief



fund should be paid directly to vendors on behalf of a qualified service member or dependents of the qualified service member.

(e) If the topic described in subsection (d) is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6 not later than November 1, 2016.

(f) This SECTION expires December 31, 2016.

SECTION 16. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

